

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) Docket No. 12-0199  
Fount Darnell, )  
and Jack G. Heffington, )  
Respondents ) Complaint

There is reason to believe that the respondents named herein have violated the Horse Protection Act, as amended (15 U.S.C. § 1821 et seq.), herein referred to as the Act. Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

## I

A. Respondent Fount Darnell is an individual whose mailing address is 4775 Midland Road, Christiana, Tennessee 37037.

B. Respondent Jack G. Heffington is an individual whose mailing address is PO Box 1658, Shelbyville, Tennessee 37162.

C. At all times material hereto, respondent Fount Darnell was the trainer of the horse known as "My Liberty Belle" and entered this horse as Entry No. 493, Class No. 31, on November 13, 2009, at the 2009 Delta Fall Classic at Tunica, Mississippi.

D. At all times material hereto, respondent Jack G. Heffington was the owner of the horse known as "My Liberty Belle" which was entered as Entry No. 493, Class No. 31, on November 13, 2009, at the 2009 Delta Fall Classic at Tunica, Mississippi.

## II

A. On November 13, 2009, respondent Fount Darnell, in violation of section 5(2)(B) of the Act (15 U.S.C. § 1824(2)(B)), entered for the purpose of showing or exhibiting the horse known as "My Liberty Belle" as Entry No. 493, in Class No. 31, at the 2009 Delta Fall Classic at Tunica, Mississippi, while the horse was sore.

B. On November 13, 2009, respondent Jack G. Heffington, in violation of sections 5(2)(B) and (D) of the Act (15 U.S.C. §§ 1824(2)(B), (D)), entered and allowed the entry for the purpose of showing or exhibiting of "My Liberty Belle" as Entry No. 493, in Class No. 31, at the 2009 Delta Fall Classic at Tunica, Mississippi, while the horse was sore.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact violated the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be

set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances including an order:

(a) Assessing civil penalties against the respondents in accordance with section 6(b) of the Act (15 U.S.C. § 1825(b)); and

(b) Disqualifying each respondent for a specified period as provided in section 6(c) of the Act (15 U.S.C. § 1825(c)) from (1) showing, exhibiting or entering any horse, or otherwise participating in any horse show or exhibition, and (2) judging or managing any horse show, horse exhibition, horse sale or auction.

Done at Washington D.C.  
this 18<sup>th</sup> day of Jan., 2012

*Acting*

[REDACTED] Administrator

Animal and Plant Health  
Inspection Service

ROBERT A. ERTMAN  
Attorney for Complainant  
Office of the General Counsel  
United States Department of  
Agriculture  
Washington, D.C. 20250-1417  
Telephone (202) 720-4982